

McGREGOR W. SCOTT  
United States Attorney  
KENNETH J. MELIKIAN  
Assistant U.S. Attorney  
501 I Street, Suite 10-100  
Sacramento, California 95814  
Telephone: (916) 554-2700

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CR. S-02-433 FCD CMK
	)	
Plaintiff/Respondent,	)	
	)	
v.	)	GOVERNMENT'S REQUEST
	)	FOR EXTENSION OF TIME
	)	TO RESPOND TO DEFENDANT'S
JEFFREY HOLDEN CHILCOTT,	)	28 U.S.C. § 2255 MOTION
	)	
Defendant/Petitioner.	)	

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The United States, by and through its undersigned counsel,  
hereby requests an extension of time through and including  
June 15, 2005, to file its response to the petitioner's 28 U.S.C.  
§ 2255 motion. The reasons underlying the requested extension are  
detailed in the attached Declaration of Assistant United States  
Attorney Kenneth J. Melikian.

DATED: June 2, 2005

Respectfully submitted,

McGREGOR W. SCOTT  
United States Attorney

/s/ Kenneth J. Melikian

By  
KENNETH J. MELIKIAN  
Assistant U.S. Attorney

DECLARATION OF KENNETH J. MELIKIAN

I, Kenneth J. Melikian, declare:

1. I am an Assistant United States Attorney for the Eastern District of California, and I am assigned to prosecute the above-entitled case.

2. On December 6, 2004, the defendant filed the instant motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255, alleging four grounds for relief. On April 22, 2005, the Honorable Craig M. Kellison signed an order, which was filed on April 26, 2005, directing the government to file a response to the defendant's motion by May 26, 2005.

3. The government firmly believes that the defendant waived his right to file the instant § 2255 motion when he pled guilty. In a Plea Agreement filed on December 22, 2003, the defendant expressly waived his right to collaterally attack his conviction and his sentence.

4. The defendant pled guilty the same day that the Plea Agreement was filed. The government is certain that the defendant acknowledged that he was waiving his right to collaterally attack his conviction and his sentence when he pled guilty, though a transcript of the plea proceedings is needed to confirm this. The government has been informed that such a transcript should be transcribed and available in approximately two weeks.

5. As the government believes that the defendant has legally waived his right to bring the aforementioned 28 U.S.C. § 2255 motion, it intends, in good faith, to file a motion to dismiss the defendant's § 2255 motion. Should this motion to dismiss be denied, the government will request a short extension in order to

1 substantively respond to the defendant's § 2255 motion.

2 6. As such, the government is requesting a short continuance  
3 so that the court reporter may prepare the transcript of the  
4 defendant's change of plea hearing. Upon receipt and review of  
5 that transcript, the government will file its motion to dismiss  
6 the defendant's § 2255 motion on or before June 15, 2005.

7 I declare under penalty of perjury that the foregoing is true  
8 and correct to the best of my knowledge and belief.

9 Executed this 26th day of May, 2005, at Sacramento,  
10 California.

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12 /s/ Kenneth J. Melikian  
13 KENNETH J. MELIKIAN  
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United States Attorney  
2 KENNETH J. MELIKIAN  
Assistant U.S. Attorney  
3 501 I Street, Suite 10-100  
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4 Telephone: (916) 554-2700  
5  
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7

8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA, ) CR.S-02-433 FCD CMK  
12 Plaintiff/Respondent, )  
13 v. ) ORDER  
14 JEFFREY HOLDEN CHILCOTT, )  
15 Defendant/Petitioner. )  
16 \_\_\_\_\_)

17 For good cause as established in the government's request for  
18 an extension of time;

19 IT IS HEREBY ORDERED, that the government may have until  
20 June 17, 2005, to respond to the petitioner's motion in this  
21 matter.

22 Dated: June 1, 2005

23 /s/ CRAIG M. KELLISON  
Craig M. Kellison  
24 UNITED STATES MAGISTRATE JUDGE  
25  
26  
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CERTIFICATE OF SERVICE BY MAIL

UNITED STATES OF AMERICA ) CR. S-02-433 FCD CMK  
 )  
Plaintiff-Respondent, )  
 )  
v. )  
 )  
JEFFERY HOLDEN CHILCOTT, )  
 )  
Defendant-Petitioner. )  
\_\_\_\_\_ )

The undersigned hereby certifies that she is an employee in the office of the United States Attorney for the Eastern District of California and is a person of such age and discretion as to be competent to serve papers.

That on May 26, 2005, she served a copy of the attached:

GOVERNMENT'S REQUEST FOR EXTENSION OF TIME TO RESPOND TO  
DEFENDANT'S 28 U.S.C. § 2255 MOTION

by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and contents in the United States Mail at Sacramento, California; or by placing said copy into an interoffice delivery receptacle located in the Clerk's Office of the U.S. District Court in Sacramento, California.

**SERVICE BY MAIL**

Jeffrey Holden Chilcott  
14055-097  
Federal Prison Camp  
3705 W. Farm Rd.  
Lompoc, Ca. 93436

/s/ Michele R. Ramirez  
MICHELE R. RAMIREZ